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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,715	01/19/2001	Victoria K. Eckes	388780	1592
30955	7590	08/23/2004	EXAMINER	
LATHROP & GAGE LC 4845 PEARL EAST CIRCLE SUITE 300 BOULDER, CO 80301			VAN DOREN, BETH	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/765,715

**Applicant(s)**

ECKES ET AL.

**Examiner**

Beth Van Doren

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The following is a non-final, first office action on the merits. Claims 1-4 are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "remote access to the servers at the mid-level distributor tier" in line 9. There is insufficient antecedent basis for this limitation in the claim. Claim 1 states that there is a top tier of one or more servers and at least one mid-level distributor tier (with no recitation of servers associated with the mid-level tier). For examination purposes, the limitation has been construed as --remote access to servers at the mid-level distributor tier--.

Correction is required

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Witck et al. (U.S. 6,253,188).

4. As per claim 1, Witck et al. teaches a method for managing real estate information, comprising the steps of:

forming a real estate network with a top tier of one or more servers, at least one mid-level distributor tier, and at least one low-level back office tier (See at least figures 1, 2, and 4, and column 5, lines 25-40 and 55-67, column 6, lines 1-33, column 7, lines 27-42, column 9, lines 30-45 and 55-67, column 10, lines 5-27 and 50-67, and column 11, lines 10-35, which discloses a real estate network with a top tier of one or more servers, a distributor, and a low-level back office tier);

configuring the one or more servers with the real estate information for distribution to the network (See at least figures 4 and 5a, column 5, lines 55-67, column 6, lines 1-33, column 7, lines 27-42, column 9, lines 30-45 and 55-67, column 10, lines 5-27 and 50-67, and column 11, lines 10-35, wherein servers are configured to distribute real estate information);

enabling remote access to servers at the mid-level distributor tier to manage the real estate information and to manage low-level back office tier access to the real estate information (See at least figures 5a, and 5b, column 6, lines 1-33, column 7, lines 27-42, column 9, lines 30-45 and 55-67, column 10, lines 5-27 and 50-67, column 11, lines 10-35, column 26, lines 10-40 and 50-67, column 54, lines 64-67, and column 55, lines 1-20, wherein remote access for managing occurs); and

enabling remote access to the servers at the low level back office tier to manage part of the real estate information (See at least figures 4 and 5a, column 5, lines 25-40, column 6, lines

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1-33, column 7, lines 27-42, column 9, lines 30-45 and 55-67, column 10, lines 1-27 and 50-67, column 11, lines 10-35, and column 56, lines 20-40, wherein users are enabled remote access).

5. As per claim 2, Witck et al. teaches a method wherein the mid-level distributor tier comprises a newspaper (See at least column 6, lines 1-33, column 9, lines 10-30, column 10, lines 5-27 and 50-67, and column 11, lines 10-35, which disclose the mid-level distributor tier of a newspaper).

6. As per claim 3, Witck et al. teaches a method further comprising generating pages by HTML using database information (See at least column 6, lines 1-33, and column 9, lines 10-30, wherein HTML pages are generated).

7. As per claim 4, Witck et al. teaches a method for managing real estate information, comprising the steps of:

forming a real estate network with a top tier of one or more servers and at least one low-level back office tier (See at least figures 1, 2, and 4, and column 5, lines 25-40 and 55-67, column 6, lines 1-33, column 7, lines 27-42, column 9, lines 30-45 and 55-67, column 10, lines 5-27 and 50-67, and column 11, lines 10-35, which discloses a real estate network with a top tier of one or more servers and a low-level back office tier);

configuring the one or more servers with the real estate information for distribution to the network (See at least figures 4 and 5a, column 5, lines 55-67, column 6, lines 1-33, column 7, lines 27-42, column 9, lines 30-45 and 55-67, column 10, lines 5-27 and 50-67, and column 11, lines 10-35, wherein servers are configured to distribute real estate information); and

enabling remote access to the servers at the low level back office tier to manage the real estate information (See at least figures 5a, and 5b, column 6, lines 1-33, column 7, lines 27-42,

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column 9, lines 30-45 and 55-67, column 10, lines 5-27 and 50-67, column 11, lines 10-35, column 26, lines 10-40 and 50-67, column 54, lines 64-67, and column 55, lines 1-20, wherein remote access for managing occurs).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raveis, Jr. (U.S. 6,321,202) discloses a real estate transaction system that accesses data in a database.

Broerman (U.S. 6,594,633) teaches a real estate computer network.

Kawabata (U.S. 6,236,979) discloses a marketing system with real estate with a wide area network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*lwd*  
bvd

August 16, 2004

*Susanna Diaz*  
**SUSANNA M. DIAZ**  
**PRIMARY EXAMINER**  
*A.U. 3623*